

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) COREY RASCHEN, an Individual,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-CV-00002-GKF-PJC
)	Tulsa County Case No. CJ-2014-04109
)	Honorable Dana Lynn Kuehn
)	
(1) STATE AUTO INSURANCE)	
COMPANIES, a foreign corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant State Auto Property & Casualty Insurance Company (“State Auto”)¹, pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446, respectfully notifies this Court of the removal of this action from the District Court of Tulsa County, State of Oklahoma to the United States District Court for the Northern District of Oklahoma. As grounds for removal, State Auto states:

BACKGROUND INFORMATION

1. On October 29, 2014, Plaintiff commenced this litigation by filing a Petition in the District Court of Tulsa County, State of Oklahoma, in the matter styled *Corey Raschen v. State Auto Insurance Companies*, Case No. CJ-2014-04109.

2. On December 3, 2014, State Auto received a copy of the Petition and Summons issued in the state court action. A copy of the Summons is attached hereto as Exhibit A, and a copy of Plaintiff’s Petition is attached hereto as Exhibit B.

¹“State Auto Insurance Companies” is not a proper Defendant. The correct Defendant is “State Auto Property & Casualty Insurance Company.”

3. On December 23, 2014, counsel for State Auto filed a Special Entry of Appearance in the state court pursuant to *Young v. Walton*, 1991 OK 20, 807 P.2d 248.

4. This Notice of Removal is timely filed within thirty (30) days after State Auto's first receipt of the Petition and Summons as required by 28 U.S.C. § 1446(b).

5. The United States District Court for the Northern District of Oklahoma includes the state judicial district in which Plaintiff filed the state court action.

6. In accordance with 28 U.S.C. § 1446(a) and LCvR 81.2, a true and correct copy of all documents filed or served in the state court action, other than the Petition are attached hereto as Exhibit C. A true and correct copy of the docket sheet for the state court action is attached hereto as Exhibit D.

7. Plaintiff's Petition alleges, generally, claims against State Auto for breach of contract and breach of the duty of good faith and fair dealing.

JURISDICTION OF THE FEDERAL COURT

8. State Auto Property & Casualty Insurance Company is an Iowa corporation with its principal place of business in Columbus, Ohio.

9. Based on the allegations in Plaintiff's Petition, Plaintiff is a resident of the State of Oklahoma. *See* Petition at ¶ 1.

10. Because Plaintiff is a resident of Oklahoma and State Auto is an Iowa corporation with its principal place of business in Ohio, complete diversity of citizenship exists.

11. Plaintiff's Petition seeks an amount in controversy exceeding the sum of \$75,000.00. *See* Exhibit C at PRAYER FOR RELIEF.

12. The United States District Court for the Northern District of Oklahoma has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332.

PROCEDURAL ISSUES

13. Written notice of the filing of this Notice of Removal will be provided to Plaintiff, together with a copy of the Notice of Removal and supporting papers. Pursuant to 28 U.S.C. § 1446(d), the same will be filed with the Clerk of the District Court of Tulsa County.

14. State Auto submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pled claims upon which relief may be granted, without admitting that Plaintiff has standing, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever.

WHEREFORE, State Auto Property & Casualty Insurance Company hereby removes the above-captioned action from the District Court of Tulsa County, State of Oklahoma, and requests that further proceedings be conducted in this Court as provided by law.

Respectfully submitted,

RICHARDS & CONNOR

By: /s/ Lawrence R Murphy, Jr.
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*Attorneys for State Auto Property & Casualty
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on the 2d day of January 2015, a true and correct copy of the foregoing Notice of Filing Notice of Removal was mailed, with proper postage thereon, to:

Donald E. Smolen, II
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/s/ Lawrence R. Murphy, Jr.

Lawrence R. Murphy, Jr.